

## REMARKS

This application has been reviewed in light of the Office Action dated November 21, 2003. Claims 1-23, 25, 27, 30, 31, 33-36, 38-41, and 45-47 are pending in this application. Claims 24, 26, 28, 29, 32, 37, and 42-44 have been canceled, without prejudice or disclaimer of subject matter. Claims 1-17, 25, 27, 30, 31, 33-36, and 38 have been amended to define still more clearly what Applicants regard as their invention. Applicants note that these changes relate primarily to changes in form, i.e., to change the claim form from "means-plus" to non-means plus language such as, for example, to change "means" to -unit-. These changes do not narrow the scope of any of those claims. Claims 45-47 have been added to provide Applicants with a more complete scope of protection. Support in the specification for the subject matter in the new claims may be found at least from page 25, line 25, to page 26, line 18, with reference to Figure 16. Favorable reconsideration is requested.

Applicants acknowledge the allowance of Claims 1-23 and the indication that Claims 25, 27, 30, 31, 33-36 and 38-41 include allowable subject matter and would be allowable if rewritten in proper independent form. Claims 25, 27, 30, 31, 33 and 38 have been so rewritten and these claims, and their dependent claims, are now allowable.

The Office Action rejected Claims 24, 26, 28, 29, 32, 37, and 42-44 as being anticipated under 35 U.S.C. § 102(e), by U.S. Patent No. 6,243,134 (Beiley). Cancellation of these claims renders this rejection moot.

Applicants submit that new independent Claim 45, and dependent Claims 46 and 47, are patentable over the cited prior art at least for the following reasons. Claim

45 relates to an image pickup apparatus that includes a plurality of pixels, each of which includes a photoelectric conversion portion and an amplifying element that amplifies a photoelectric conversion signal from the photoelectric conversion portion. The apparatus also includes a driving circuit that selectively outputs a first photoelectric conversion signal obtained with a first sensitivity and a second photoelectric conversion signal obtained with a second sensitivity from the amplifying element, where the first photoelectric conversion signal of the first sensitivity and the second photoelectric conversion signal of the second sensitivity are based on photoelectric conversions performed at a specified timing. The apparatus also includes a signal processing circuit that forms a single image using the first and second photoelectric conversion signals.

Claim 45 recites that the image pickup apparatus includes a driving circuit which selectively outputs a first photoelectric conversion signal of a first sensitivity and a second photoelectric conversion signal of a second sensitivity from an amplifying element included in each pixel and a signal processing circuit which forms a single image using the first and second photoelectric conversion signals.

Applicants believe that an image pickup apparatus having the features recited in Claim 45 is not taught or suggested by the cited prior art. Specifically, Applicants submit that Bailey discusses the accumulation of first and second signals in different capacitors (e.g., C2 and C3), and separate outputs. However, Bailey does not teach or suggest a signal processing circuit which forms a single image output using the first and second photoelectric conversion signals. Since dependent Claims 46 and 47 each depend from Claim 45 discussed above, these claims are therefore believed to be

patentable over the cited prior art at least for the same reasons. In addition, since each dependent claim is also deemed to define an additional aspect of the invention, individual consideration of the patentability of each on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, Applicants respectfully request favorable reconsideration and early passage to issue of the present application.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,

  
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